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Barbara Anne Sousa
Regulatory Counsel

July 14, 2000
Mary L. Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, Second Floor
Boston, MA 02110

Re: D.T.E. 99-99 & 99-11 – Area Code Relief

Dear Ms. Cottrell:
Bell Atlantic-Massachusetts ("BA-MA") files this letter in response to the Department's July 7th Request for Comments on the timing of Department review of growth code applications in the 781 and 978 NPAs. BA-MA recommends that the Department make no change to its current requirements that the requesting carrier submit its application and utilization data once, i.e., at the time of the code request, accompanying the "Part 1 Form" and "Months-to-Exhaust Worksheet." This is consistent with the Report and Order on Number Resource Optimization ("NRO Order") released by the Federal Communications Commission ("FCC") on March 31, 2000, in CC Docket No. 96-98.

The NRO Order requires that beginning January 1, 2001, carriers must submit to NeuStar with their code requests the "utilization threshold percentage" of the switch/rate center for which the new code is being requested. NRO Order, at ¶115. Accordingly, the Department should not modify its January 26th Letter Order, which currently imposes a similar requirement on carriers to provide their utilization data to the Department when they submit code requests to NeuStar.

Once the FCC's "utilization threshold percentage" requirement becomes effective, carriers should provide the Department with that same data when requesting new numbering resources. Although the FCC's NRO Order requires less detailed utilization data with code requests than the Department does, i.e., fill rate percentage for the switch/rate center rather than the fill rate in each thousands block in the switch/rate center, all carriers are further required to submit detailed utilization data to NeuStar semi-annually, starting August 1, 2000, in compliance with the NRO Order.

Providing the Department with a copy of what is provided to NeuStar with carrier code requests would allow consistency with the FCC requirements and would eliminate an unnecessary burden on carriers to provide two different utilization reports.

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Moreover, the Department's authority to require regular reporting of utilization data is expressly superseded by the FCC's NRO Order :

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We reject North Carolina's assertion, however, that the states should continue to have the authority to collect additional utilization and forecast data independently of what we are ordering the carriers to report to the NANPA. We will not delegate authority to the states to impose additional regularly scheduled reporting requirements on any carriers.... Therefore, in granting states access to the federally ordered reports, we are eliminating the need for states to require carriers to report utilization and forecast data on a regular basis. Thus, we supersede the authority specifically delegated to some states to require such reporting.

NRO Order, at ¶76.

However, if the Department has reason to believe that a carrier may not be accurately reporting its fill rate percentage when requesting new numbering resources, the Department has the authority under the NRO Order to request a more granular level of utilization data, comparable to what is currently required in Massachusetts. Therefore, as stated in the FCC's NRO Order, while "we encourage state commissions to rely on the reporting requirements that we adopt herein, our prohibition on state-ordered reporting does not apply in instances where states need to gather data for a specific purpose, as long as these data reporting requirements do not become regularly scheduled state-level reporting requirement." Id.

In conclusion, BA-MA recommends that the Department continue to use the existing process for carrier code requests, as set forth in the Department's January 26, 2000, Letter Order, until the FCC's "utilization threshold percentage" requirement takes effect. At that time, carriers should begin submitting to the Department the same level of detail as provided to NeuStar, in accordance with the FCC's NRO Order.

Very truly yours,

cc: Kevin Penders, Esquire, Hearing Officer

Paula Foley, Esquire

Robert Howley, Esquire

Michael Isenberg, Esquire, Telecommunications Director

Attached Service List

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